IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8734 OF 2007

Harbin Navinchandra Jhaveri .. Petitioner

Versus

Ms.Manirama Jayantilal Shah

and Ors. .. Respondents

Mr.Atul Damle for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd December 2007

P.C.

. Heard Mr.Damle for petitioner. Assuming that the revision application could not have been dismissed on the ground of maintainability, I am satisfied that it could have been dismissed on

the ground that only a procedural order is under challenge. Nothing prejudices the petitioner, merely because in the opinion of the trial court all respondents need to be joined as they are family members of deceased. Ultimately, who would succeed to the tenancy rights is an issue which is always open and merely because all members of the family are joined, it is not concluded. Petition dismissed. No costs.

(S.C.Dharmadhikari, J)